

is a theft rate of 16.7 per thousand vehicles. According to GM, there were 3,325 GTAs produced without the PASS KEY system; of those, 221 were stolen, which is a theft rate of 66.4 per thousand vehicles. (It is unknown what the effect of the TDS would be on the likelihood of the affected motor vehicles to be likely to be as effective as parts marking.)

NHTSA believes that based upon the preceding substantial evidence, the anti-theft system to be installed as standard equipment will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (49 CFR part 541). This determination is based on the information GM submitted with its petition and on other available information. The agency believes that the device will provide all but one of the types of performance listed in § 543.6(a)(3): promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. The single exception is that the device lacks an alarm which would attract attention to unauthorized entries.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that GM has provided adequate reasons for its belief that the anti-theft device will reduce and deter theft. This conclusion is based on the information GM provided on its device. This information included a description of reliability and functional tests conducted by GM for the anti-theft system and its components. GM presented extensive data on the life cycle test results of the PASS KEY ignition lock system.

Based on the foregoing, the agency has decided to grant the petition of GM in part. The petition is granted in part, instead of in whole, because although the agency believes that the system would likely be as effective as parts marking, it differs from other devices for which exemptions have been granted in that it lacks an alarm to attract attention to unauthorized entries. GM will be required to mark only the engines and transmission of MY 1990 Camaros and Firebirds. Those parts were chosen since they are among the most interchangeable of the 14 parts for

which labeling is required. The agency notes that GM has already notified the agency that regardless of the decision of the agency on GM's petition to be exempted from parts marking, it will continue to mark at least the engines and transmissions of MY 1990 Camaros and Firebirds.

If GM decides not to use the partial exemptions for the Camaro and Firebird carlines, it should formally notify the agency. If this is the case, these carlines must be fully marked according to the requirements under 49 CFR 541.6 and 541.5 (marking of major component parts and replacement parts.)

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs make it difficult at this stage of the theft standard's implementation to compare the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if GM wishes in the future to modify the device on which this partial exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this Part and equipped with the anti-theft device on which the line's exemption was based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an anti-theft device similar to it differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an anti-theft device. The significance of many such changes could be *de minimus*. Therefore, NHTSA suggests that if GM contemplates making any changes the effects of which might be characterized as *de minimus* then the company should consult the agency before preparing and submitting a petition to modify.

(15 U.S.C. 2025, delegation of authority at 49 CFR 1.50)

Issued on August 10, 1989.

Jeffrey R. Miller,

Acting Administrator.

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Research and Special Programs Administration

[Docket No. HM-126F]

Training for Hazardous Materials Transportation; Public Hearing

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public hearing.

SUMMARY: This notice is to confirm that a public hearing is scheduled to begin at 9:30 a.m. on October 3, 1989 (and October 4, if necessary) in Salt Lake City, Utah, and to request that persons planning to present comments at the hearing advise RSPA of such intention before September 11, 1989. The public hearing will address the merits of a notice of proposed rulemaking under Docket HM-126F entitled "Training for Hazardous Materials Transportation" [54 FR 31144]. To enable RSPA to determine if there will be a need for an extension of the hearing into a second day, an early indication of intention to present comments will be appreciated.

Special lodging rates are being provided at the location of the hearing which is the Doubletree Inn, 215 W.S. Temple Street, Salt Lake City, Utah 84101, telephone (801) 531-7500. Requests for the special lodging rate must specifically refer to the DOT public hearing and must be made before September 11, 1989.

FOR FURTHER INFORMATION CONTACT: Carl V. Strombom, Standards Division, Office of Hazardous Materials Transportation, RSPA, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366-4468.

Issued in Washington, DC on August 9, 1989 under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

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